

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

Application of

VIA AIRLINES, INC.
d/b/a STERLING AIRWAYS

For reissuance of Commuter Air Carrier Authorization
(corporate name change to Sterling Airways, Inc.)

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) Docket DOT-OST-2021-0087
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**MOTION AND REPLY OF
VIA AIRLINES, INC. d/b/a STERLING AIRWAYS
TO OPPOSITION OF CORVUS AIRLINES, INC.**

Communications with respect to this document should be addressed to:

Robert E. Cohn
Patrick R. Rizzi
HOGAN LOVELLS US LLP
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004
+1 202 637 4999/5659
robert.cohn@hoganlovells.com
patrick.rizzi@hoganlovells.com

Counsel for
VIA AIRLINES, INC. d/b/a
STERLING AIRWAYS

August 11, 2021

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**MOTION AND REPLY OF
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TO OPPOSITION OF CORVUS AIRLINES, INC.**

Via Airlines, Inc. d/b/a Sterling Airways (“Via”) hereby replies to the unauthorized opposition of Corvus Airlines, Inc. (“Corvus Opposition”).¹ The Corvus Opposition is misguided, without merit and the Department should expeditiously reissue Via’s Commuter Air Carrier Authorization in the name of Sterling Airways, Inc. d/b/a Sterling Airways.

The Corvus Opposition is misplaced because its allegations have no relevance to the specific Application filed by Via/Sterling in this Docket. Via’s Application was a simple, garden-variety, and non-controversial request for the Department to reissue its current Commuter Authorization to reflect its new corporate name, Sterling Airways, Inc., a trade name which the Department had

¹ To the extent necessary, Via requests leave to file this Reply for the Department’s consideration. The Reply is narrowly tailored to address the misguided and meritless contentions in the Opposition and will therefore provide the Department with a more complete and accurate record.

Although the Corvus Opposition is dated August 5, 2021 (see Cover Page) and the service list states that it was served “this day”, Via did not receive a copy until the night of August 9, 2021.

already registered for Via.² Corvus' claims relating to future plans to operate Saab 2000s in Alaska have nothing to do with Via's request in this Docket under 14 C.F.R. Part 215 for the reissuance of its Commuter Authorization to reflect its new corporate name. The Department should therefore readily dispose of the Corvus Opposition on this ground alone.

Moreover, Corvus' fitness allegations are substantively without merit. Corvus is incorrect in arguing that Via's recently announced plans to operate scheduled service between Anchorage and Dutch Harbor using Saab 2000 aircraft constitute a "substantial change in operations" under Part 204. (Corvus Opposition at 2-4.) Section 204.2(l) provides that a substantial change in operations is a change of operations "from charter to scheduled service, cargo to passenger service, short-haul to long-haul service, or (for a certificated air carrier) small-aircraft to large-aircraft operations". The proposed Saab 2000 operations do not fall into any of those categories. Via's commuter authority authorizes Via/Sterling to conduct scheduled passenger service with small aircraft. Consistent with DOT policy, Via's commuter authority has no aircraft limitation. Via currently leases two fifty-seat Embraer 145 regional jet aircraft, one of which is currently undergoing heavy maintenance and the other is operating profitable service in support of a U.S. Government agency. Via in July signed a lease for two Saab 2000 turboprop aircraft which will have 45-50 seats and will be used later this year in the provision of scheduled service within Alaska. Via's service with Saab 2000 turboprop aircraft can in no way be deemed to be "a substantial change in operations" under Part 204.

² There were no objections among the carriers served with the Application.

Contrary to Corvus' insinuation, Via was truthful and transparent with the Department earlier this year when Via responded to Corvus' opposition to Via's request for resumption of service authority. In its Response, dated February 11, 2021 (page 3), Via stated that it had "no binding agreements, aircraft purchase agreements or lease agreements, capacity purchase or code-share agreements, or joint ventures with respect to services using Saab 2000 or other types of regional jet aircraft." That statement was true. Via noted in its February 11, 2021 Response (pages 2-3), that it "would not rule out the possibility of operating in the future additional aircraft types, including the Saab 2000," and acknowledged that, if it did so, it would "necessarily obtain FAA authority to add such aircraft to its Part 121 operation specifications" ("OpSpecs"). Via did not enter into a lease agreement for the two Saab 2000 aircraft until July 2021. Via is currently working with the FAA on such an amendment to its OpSpecs.

Corvus' Opposition is an improper and misguided attempt to forestall competition in Alaska and the resumption of Saab 2000 scheduled service between Anchorage and Dutch Harbor.

The Department should reject the Corvus Opposition and expeditiously reissue Via's Commuter Authorization in the corporate name of Sterling Airways, Inc.



Robert E. Cohn
Patrick R. Rizzi
HOGAN LOVELLS US LLP
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004
+1 202 637 4999/5659

Counsel for
VIA AIRLINES, INC. d/b/a
STERLING AIRWAYS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion and Reply of Via Airlines, Inc. d/b/a Sterling Airways has been served on August 11, 2021, upon each of the following addressees:

Todd.Dixon@btlaw.com
WKirshenbaum@btlaw.com

A handwritten signature in black ink, appearing to read "Patrick R. Rizzi".

Patrick Rizzi